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Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA, SANTA ANA DIVISION

In re

DAVID ALLEN WILSON,
Debtor.

Case No. 8:23-bk-10094-SC

Chapter 7

TRUSTEE'S NOTICE OF INTENT TO
ABANDON ESTATE'S INTEREST, IF ANY, IN
CERTAIN REAL PROPERTY

[Pursuant to 11 U.S.C. Section 554(a) and LBR
6007-1]

TO ALL CREDITORS AND INTERESTED PARTIES:

PLEASE TAKE NOTICE that Richard A. Marshack, the duly appointed, qualified and acting Chapter 7 Trustee ("Trustee") of the Bankruptcy Estate ("Estate") of David Allen Wilson ("Debtor"), intends to abandon the Estate's interest, if any, in property of the Estate as detailed below, pursuant to 11 U.S.C. Section 554(a) and Local Bankruptcy Rule 6007-1, without further Court order.

On January 18, 2023, Debtor filed a voluntary petition under Chapter 7 of Title 11 of the United States Code. On the same day, Richard A. Marshack was appointed as Chapter 7 Trustee. On January 23, 2023 as Dk. No. 11, Debtor filed his schedules and statements ("Schedules").

ASSET TO BE ABANDONED

In his Schedule A/B, Debtor listed an interest in the real property located at and commonly known as 24352 Santa Clara Ave., Dana Point, CA 92629 (the "Property").

1 In his Schedule C, Debtor claimed a homestead exemption in the amount of \$678,378
2 (“Exemption”). Debtor’s Schedule D reflects that the Property is encumbered by liens in excess
3 of \$10,000,000 (“Liens”).

4 After payment of the Liens, Exemption and costs of sale, there is no equity in the
5 Property for the benefit of the Estate or its creditors.

6 On March 23, 2023 as Dk. No. 34, JPMorgan Chase Bank filed a motion for relief from
7 the automatic stay (“MFR”) which was granted at the hearing held on May 3, 2023.

8 Further, Trustee is advised that there will be a substantial tax obligation incurred by the
9 Estate in the event the Property is sold through the Estate.

10 Therefore, Trustee believes it is in the best interest of the Estate to abandon the Estate’s
11 interest, if any, in the Property.

12 **PLEASE TAKE FURTHER NOTICE** that any response and request for hearing as to
13 the proposed abandonment must be in the form as required by Local Bankruptcy Rules 9013-1(f)
14 and (o) and filed with the Clerk of the above-entitled Court. The deadline for any response and
15 request for hearing is 14 days after the date of service of this Notice, plus an additional 3 days
16 unless this Notice was served by personal delivery or posting as described in F.R.Civ.P.
17 5(b)(2)(A)-(B). If no such objection or request for hearing is served and filed within the
18 seventeen (17) day period, the Trustee will proceed with the abandonment on or after the
19 eighteenth (18th) day after service of this Notice. If no timely objection and request for hearing
20 is filed and served, the property is deemed abandoned without further order of the court. A copy
21 of any response or request for hearing must be served on Richard A. Marshack at the address
22 indicated above and served on the Office of the United States Trustee, 411 W. Fourth Street,
23 Suite 7160, Santa Ana, CA 92701. Failure to timely respond may be deemed as acceptance of
24 the proposed abandonment. See Local Bankruptcy Rules 6007-1 and 9013-1(h).

25 DATED: May 24, 2023

Respectfully Submitted,

26
27 By: /s/ Richard A. Marshack
RICHARD A. MARSHACK
28 Chapter 7 Trustee

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
870 Roosevelt Avenue, Irvine, CA 92620

A true and correct copy of the foregoing document entitled (*specify*): **TRUSTEE'S NOTICE OF INTENT TO ABANDON THE ESTATE'S INTEREST, IF ANY, IN CERTAIN REAL PROPERTY** will be served or was served (**a**) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (**b**) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On May 23, 2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On May 24, 2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

May 24, 2023 Pamela Kraus
Date Printed Name

/s/ Pamela Kraus
Signature

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: continued:

- **Anerio V Altman** LakeForestBankruptcy@jubileebk.net, lakeforestpacer@gmail.com
- **Bert Briones** bb@redhilllawgroup.com, helpdesk@redhilllawgroup.com; RedHillLawGroup@jubileebk.net
- **David I Brownstein** david@brownsteinfirm.com
- **Chad L Butler** caecf@tblaw.com
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- **Melissa Davis Lowe** mlowe@shulmanbastian.com, avernon@shulmanbastian.com
- **Richard A Marshack (TR)** pkraus@marshackhays.com, rmarshack@iq7technology.com; ecf.alert+Marshack@titlexi.com
- **United States Trustee (SA)** ustpreion16.sa.ecf@usdoj.gov
- **Michael A Wallin** mwallin@wallinrussell.com

2. **SERVED BY UNITED STATES MAIL**: continued:

DEBTOR

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